

Locking Folks Up Without Due Process? California Sure Does

Nov. 30th, 2022

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By Janet Phelan

It's official. The right to due process is now superseded by a form.

That's right. California can strip you of your right to free movement, your right of association and most of your freedoms should a doctor see fit to check number 14 k on this form. No more messy 5150 holds, no more civil commitments or court oversight. No unpleasant guardianship proceedings with even more unpleasant family members. Just some doc in an office wielding a pen.

Seriously.

The form is LIC 602 A and is reproduced here

<https://www.cdss.ca.gov/cdssweb/entres/forms/english/lic602a.pdf>

PHYSICIAN'S REPORT FOR RESIDENTIAL CARE FACILITIES FOR THE ELDERLY (RCFE)**I. FACILITY INFORMATION** *(To be completed by the licensee/designee)*

1. NAME OF FACILITY		2. TELEPHONE ()	
3. ADDRESS		CITY	ZIP CODE
4. LICENSEE'S NAME		5. TELEPHONE ()	6. FACILITY LICENSE NUMBER

II. RESIDENT/PATIENT INFORMATION *(To be completed by the resident/resident's responsible person)*

1. NAME	2. BIRTH DATE	3. AGE
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III. AUTHORIZATION FOR RELEASE OF MEDICAL INFORMATION*(To be completed by resident/resident's legal representative)*

I hereby authorize release of medical information in this report to the facility named above.

1. SIGNATURE OF RESIDENT AND/OR RESIDENT'S LEGAL REPRESENTATIVE

2. ADDRESS	3. DATE
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IV. PATIENT'S DIAGNOSIS *(To be completed by the physician)*

NOTE TO PHYSICIAN: The person named above is either a resident or prospective resident of a residential care facility for the elderly licensed by the Department of Social Services. The license requires the facility to provide primarily non-medical care and supervision to meet the needs of that person. THESE FACILITIES DO NOT PROVIDE SKILLED NURSING CARE. The information that you provide about this person is required by law to assist in determining whether the person is appropriate for care in this non-medical facility. It is important that all questions be answered.

(Please attach separate pages if needed.)

1. DATE OF EXAM	2. SEX	3. HEIGHT	4. WEIGHT	5. BLOOD PRESSURE
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6. TUBERCULOSIS (TB) TEST

a. Date TB Test Given	b. Date TB Test Read	c. Type of TB Test	d. Please Check if TB Test is: <input type="checkbox"/> Negative <input type="checkbox"/> Positive
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e. Results: mm	f. Action Taken (if positive):
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g. Chest X-ray Results:

h. Please Check One of the Following:
☐ Active TB Disease
 ☐ Latent TB Infection
 ☐ No Evidence of TB Infection or Disease

7. PRIMARY DIAGNOSIS:

- a. Treatment/medication (type and dosage)/equipment:

- b. Can patient manage own treatment/medication/equipment? ☐ Yes ☐ No

- c. If not, what type of medical supervision is needed?

8. SECONDARY DIAGNOSIS(ES):

- a. Treatment/medication (type and dosage)/equipment:

- b. Can patient manage own treatment/medication/equipment? ☐ Yes ☐ No

- c. If not, what type of medical supervision is needed?

9. CHECK IF APPLICABLE TO 7 OR 8 ABOVE:

- ☐ Mild Cognitive Impairment: Refers to people whose cognitive abilities are in a "conditional state" between normal aging and dementia.
- ☐ Dementia: The loss of intellectual function (such as thinking, remembering, reasoning, exercising judgement and making decisions) and other cognitive functions, sufficient to interfere with an individual's ability to perform activities of daily living or to carry out social or occupational activities.

10. CONTAGIOUS/INFECTIOUS DISEASE:

- a. Treatment/medication (type and dosage)/equipment:

- b. Can patient manage own treatment/medication/equipment? ☐ Yes ☐ No

- c. If not, what type of medical supervision is needed?

11. ALLERGIES:

- a. Treatment/medication (type and dosage)/equipment:

- b. Can patient manage own treatment/medication/equipment? ☐ Yes ☐ No

- c. If not, what type of medical supervision is needed?

12. OTHER CONDITIONS:

- a. Treatment/medication (type and dosage)/equipment:

- b. Can patient manage own treatment/medication/equipment? ☐ Yes ☐ No

- c. If not, what type of medical supervision is needed?

13. PHYSICAL HEALTH STATUS	YES	NO	ASSISTIVE DEVICE (If applicable)	EXPLAIN
a. Auditory Impairment				
b. Visual Impairment				
c. Wears Dentures				
d. Wears Prosthesis				
e. Special Diet				
f. Substance Abuse Problem				
g. Use of Alcohol				
h. Use of Cigarettes				
i. Bowel Impairment				
j. Bladder Impairment				
k. Motor Impairment/Paralysis				
l. Requires Continuous Bed Care				
m. History of Skin Condition or Breakdown				

14. MENTAL CONDITION	YES	NO	EXPLAIN
a. Confused/Disoriented			
b. Inappropriate Behavior			
c. Aggressive Behavior			
d. Wandering Behavior			
e. Sundowning Behavior			
f. Able to Follow Instructions			
g. Depressed			
h. Suicidal/Self-Abuse			
i. Able to Communicate Needs			
j. At Risk if Allowed Direct Access to Personal Grooming and Hygiene Items			
k. Able to Leave Facility Unassisted			
15. CAPACITY FOR SELF-CARE	YES	NO	EXPLAIN
a. Able to Bathe Self			
b. Able to Dress/Groom Self			
c. Able to Feed Self			
d. Able to Care for Own Toileting Needs			
e. Able to Manage Own Cash Resources			
16. MEDICATION MANAGEMENT	YES	NO	EXPLAIN
a. Able to Administer Own Prescription Medications			
b. Able to Administer Own Injections			
c. Able to Perform Own Glucose Testing			
d. Able to Administer Own PRN Medications			
e. Able to Administer Own Oxygen			
f. Able to Store Own Medications			

17. AMBULATORY STATUS:

- a. 1. This person is able to independently transfer to and from bed: ☐ Yes ☐ No
2. For purposes of a fire clearance, this person is considered:
☐ Ambulatory ☐ Nonambulatory ☐ Bedridden

Nonambulatory: A person who is unable to leave a building unassisted under emergency conditions. It includes any person who is unable, or likely to be unable, to physically and mentally respond to a sensory signal approved by the State Fire Marshal, or to an oral instruction relating to fire danger, and/or a person who depend upon mechanical aids such as crutches, walkers, and wheelchairs.

Note: A person who is unable to independently transfer to and from bed, but who does not need assistance to turn or reposition in bed, shall be considered non-ambulatory for the purposes of a fire clearance.

Bedridden: For the purpose of a fire clearance, this means a person who requires assistance with turning or repositioning in bed.

- b. If resident is nonambulatory, this status is based upon:
☐ Physical Condition ☐ Mental Condition ☐ Both Physical and Mental Condition
- c. If a resident is bedridden, check one or more of the following and describe the nature of the illness, surgery or other cause:
- ☐ Illness: _____
- ☐ Recovery from Surgery: _____
- ☐ Other: _____

NOTE: An illness or recovery is considered temporary if it will last 14 days or less.

- d. If a resident is bedridden, how long is bedridden status expected to persist?
1. _____ (number of days)
2. _____ (estimated date illness or recovery is expected to end or when resident will no longer be confined to bed)
3. If illness or recovery is permanent, please explain: _____

e. Is resident receiving hospice care?

☐ No ☐ Yes If yes, specify the terminal illness:

18. PHYSICAL HEALTH STATUS: ☐ Good ☐ Fair ☐ Poor

19. COMMENTS:

20. PHYSICIAN'S NAME AND ADDRESS (PRINT)

21. TELEPHONE

()

22. LENGTH OF TIME RESIDENT HAS BEEN YOUR PATIENT

23. PHYSICIAN'S SIGNATURE

24. DATE

California has made some efforts to provide legal proceedings and protections for those whose competency is questioned. There are 72-hour holds, which can be extended through legal means. There are conservatorships, which have received some media scrutiny of late and may be rife with further abuses, including documented concerns that probate court judges are violating the law in order to keep the very lucrative business of conserving the elderly and disabled well oiled and bringing in the big bucks. Civil commitments also necessitate legal proceedings.

But not form LIC 602 A.

On the face of things, California protects the rights of those in all residential facilities. Title 22 of the California code states that

§ 87468.1. Personal Rights of Residents In all Facilities.

“(6) To leave or depart the facility at any time and to not be locked into any room, building, or on facility premises by day or night. This does not prohibit a licensee from establishing house rules, such as locking doors at night to protect residents, or barring windows against intruders, with permission from the Department”

But if you think that this covers the Constitutional bases, think again. Title 22 provides a mitigation of these rights in **§ 87705, which delineates further protocols for those who have been diagnosed with dementia, including**

(i) The licensee may use wrist bands or other egress alert devices worn by the resident, with the prior written approval of the resident or conservator, provided that such devices do not violate the resident’s rights as specified in Section 87468, Personal Rights.

(j) The licensee shall have an auditory device or other staff alert feature to monitor exits, if exiting presents a hazard to any resident.


(k) The following initial and continuing requirements must be met for the licensee to utilize delayed egress devices on exterior doors or perimeter fence gates

A delayed egress device means that if a resident tries to leave, he will not be able to.

“We don’t license locked facilities,” insisted Community Care Licensing (CCL) manager Sean Weston in a conversation this week. He insisted that a delayed egress device, which generally prohibits someone from leaving and/or produces an alarm if an attempt to leave occurs, is not the same as locking someone up.

Weston also admitted that CCL issues “waivers” should a facility find the need to further restrict the liberties of residents.

So not only does a doctor have the authority and power to deprive someone of his liberty, but this can also be granted by a nameless bureaucrat in a government office.

A photograph of Whitney Tilson, a man with grey hair, wearing a grey suit and a pink shirt, smiling and holding a small black device. The background is dark with blue lighting.

Legend who bought Apple at \$1.42 says buy TaaS now

Investing legend Whitney Tilson says there's a huge new tech trend coming – and he's revealing his #1 pick for free.

[Get his top pick for free](#)

Empire Financial Research

Recently, an investigator from CCL went out when a resident managed to escape from a facility with “delayed egress devices.” It should be noted that the resident

returned on his own volition within a few hours, hardly the profile of someone who is disoriented and can't find his way home.

197610032-4-6-2022-31-AS-CHAS-CDGTZH-20220414151022

Department of
SOCIAL SERVICES

Community Care Licensing

COMPLAINT INVESTIGATION REPORT

Facility Number: 197610032

Report Date: 04/06/2022

Date Signed: 04/06/2022 05:34:36 PM

Substantiated

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY COMPLAINT INVESTIGATION REPORT	CALIFORNIA DEPARTMENT OF SOCIAL SERVICES COMMUNITY CARE LICENSING DIVISION CCLD Regional Office, 21731 VENTURA BLVD., STE. 250 WOODLAND HILLS, CA 91364
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This is an official report of an unannounced visit/investigation of a complaint received in our office on

04/01/2022 and conducted by Evaluator **Melissa Spaeth**

	COMPLAINT CONTROL NUMBER: 31-AS-20220401151549
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FACILITY NAME: LEISURE GARDEN SENIOR ASSISTED LIVING FACILITY **FACILITY NUMBER:** 197610032

ADMINISTRATOR: JESSICA PELAYA **FACILITY TYPE:** 740

ADDRESS: 44523 15TH STREET WEST **TELEPHONE:** (661) 941-4578

CITY: LANCASTER **STATE:** CA **ZIP CODE:** 93534

CAPACITY: 157 **CENSUS:** 107 **DATE:** 04/06/2022

MET WITH: Jessica Pelaya **UNANNOUNCED TIME BEGAN:** 11:30 AM

ALLEGATION(S): **TIME COMPLETED:** 03:30 PM

1	Resident wandered away from the facility
2	
3	
4	
5	
6	
7	
8	
9	

INVESTIGATION FINDINGS:

1	LPA Spaeth conducted an unannounced visit and was greeted by the Administrator, Jessica Pelaya. LPA's
2	temperature was recorded and LPA answered the COVID questions upon entering the reception area of the
3	facility. LPA stated the purpose of the visit was to investigate an allegation, resident wandered away from
4	the facility.
5	
6	LPA interviewed the Administrator and a caregiver from 11:45 am until 12:30 pm. LPA reviewed resident's file
7	from 12:30 pm until 12:40 pm. LPA interviewed Resident (R1) at 1:00 pm. LPA conducted a brief physical
8	plant tour from 1:00 pm until 1:20 pm to ensure there were no immediate health and safety issues.
9	
10	Administrator was interviewed by LPA and Administrator stated a resident had set off the fire alarm the
11	morning of April 1, 2022 at approximately 5:00 am. Administrator also stated there were two caregivers

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

**COMPLAINT INVESTIGATION REPORT
(Cont)**CALIFORNIA DEPARTMENT OF SOCIAL
SERVICES
COMMUNITY CARE LICENSING DIVISION
CCLD Regional Office, 21731 VENTURA
BLVD., STE. 250
WOODLAND HILLS, CA 91364FACILITY NAME: LEISURE GARDEN SENIOR ASSISTED LIVING
FACILITY

FACILITY NUMBER: 197610032

VISIT DATE: 04/06/2022

NARRATIVE

1 secure did not report the incident to the Administrator. Administrator stated R1 left the facility between 5:00
2 am and 7:00 am. Administrator stated had reminded Caregiver (S1) must make sure the exit doors are
3 secure and S1 must also immediately report all incidents to the Administrator.
4
5 LPA also interviewed the second caregiver (S2) who was working the morning of April 1, 2022. S2 stated
6 had seen R1 at 5:00 am within the facility. S2 stated R2 set off the fire alarm at approximately 5:00 am. S2
7 did not witness R1 leaving the building but stated probably exited the building between 5:00 am and 7:00 am.
8
9 Administrator confirmed the R1 returned to the building at 11:00 am.
10
11 LPA reviewed resident's file and observed the Physician's Report for R1 states the resident is not able to
12 leave the facility unassisted.
13
14 Based upon LPA's interview of the Administrator and the Caregiver and the resident's Physician Report, the
15 allegation is substantiated. Pursuant to Title 22 Division 6 of the CA Code of Regulations, a deficiency was
16 cited (refer to LIC 809-D).
17
18 Exit interview conducted, Appeal Rights discussed, and a copy of the report was issues to Administrator.
19
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SUPERVISOR'S NAME: Cassandra Harris
LICENSING EVALUATOR NAME: Melissa Spaeth
LICENSING EVALUATOR SIGNATURE:TELEPHONE: (818) 596-4342
TELEPHONE: (818) 421-2278
DATE: 04/06/2022I acknowledge receipt of this form and understand my licensing appeal rights as explained and
received.

FACILITY REPRESENTATIVE SIGNATURE:

DATE: 04/06/2022

STATE OF CALIFORNIA - HEALTH AND HUMAN SERVICES AGENCY

**COMPLAINT INVESTIGATION REPORT
(Cont)**CALIFORNIA DEPARTMENT OF SOCIAL
SERVICES
COMMUNITY CARE LICENSING DIVISION
CCLD Regional Office, 21731 VENTURA
BLVD., STE. 250
WOODLAND HILLS, CA 91364

FACILITY NAME: LEISURE GARDEN SENIOR ASSISTED LIVING FACILITY

FACILITY NUMBER: 197610032

DEFICIENCY INFORMATION FOR THIS PAGE:

VISIT DATE: 04/06/2022

Deficiency Type POC Due Date / Section Number	DEFICIENCIES	PLAN OF CORRECTIONS(POCs)
Type B 04/06/2022 Section Cited CCR 87468.2(a)(4)	1 (a) In addition to the rights listed in 2 Section 87468.1, ... residents in privately 3 operated residential care facilities for the 4 elderly shall have all of the following 5 personal rights: (4) To care, supervision, 6 and services that meet their individual 7 needs and are delivered by staff that are sufficient in numbers, ...This requirement was not met as evidenced by:	1 Administrator has already counseled the 2 caregiver in question. Administrator has 3 reviewed the facility procedures with the 4 Caregiver and a documented verbal 5 warning was issued to the caregiver. 6 7
	8 Based upon LPA's interviews of the 9 Administrator and Caregiver, Caregivers 10 were not aware the resident had left the 11 building without an escort, which is an 12 immediate health and safety risk to 13 residents in care. 14	
	1 2 3 4 5 6 7	1 2 3 4 5 6 7
	1 2 3 4 5 6 7	1 2 3 4 5 6 7

Failure to correct the cited deficiency(ies), on or before the Plan of Correction (POC) due date, may result in a civil penalty assessment.

SUPERVISOR'S NAME: Cassandra Harris

TELEPHONE: (818) 596-4342

LICENSING EVALUATOR NAME: Melissa Spaeth

TELEPHONE: (818) 421-2278

LICENSING EVALUATOR SIGNATURE:

DATE: 04/06/2022

I acknowledge receipt of this form and understand my appeal rights as explained and received.

FACILITY REPRESENTATIVE SIGNATURE:

DATE: 04/06/2022

We certainly want to make sure that those who are disoriented or confused do not wander away. However, a recent comment by someone who is locked up in Leisure Gardens Assisted Living in Lancaster may put the issue into a better perspective. His name is being withheld from this report due to concerns about retaliation and his current vulnerability. In a conversation this week, he said to me, “Something most foul is happening here,” he told me. “There are higher powers involved in locking people up and stealing their inheritances.”

An attorney with California Disability Rights, Lauren Giardana, put it rather delicately when she wrote ... “I cannot weigh in on whether the CDSS forms are being used as informal conservatorships.”

A request has been lodged with the California Assembly Committee on Aging to review the Constitutionality of form LIC 602 A. Repeated inquiries sent to the California Department of Social Services, which has issued the form, have not been responded to.

Janet Phelan has been on the trail of the biological weapons agenda since the new millennium. Her book on the pandemic, At the Breaking Point of History: How Decades of US Duplicity Enabled the Pandemic, has been published in 2021 by Trine Day and is available on Amazon and elsewhere. Her articles on this issue have appeared in Activist Post, New Eastern Outlook, Infowars and elsewhere. Educated at Grinnell College, UC Berkeley and the University of Missouri Graduate School of Journalism, Janet “jumped ship” and since 2004 has been writing exclusively for independent media. Her articles previously appeared in the Los Angeles Times, Oui Magazine, Orange Coast Magazine, the Long Beach Press Telegram, the Santa Monica Daily Press and other publications. She is the author of the groundbreaking expose, EXILE and two books of poetry. She resides abroad. You may follow Janet on Parler here @JanetPhelan. To support her work, please go to JanetPhelan.

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<https://www.activistpost.com/2022/11/locking-folks-up-without-due-process-california-sure-does.html>